

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Case No.: 2:16-cv-01140-JAD-GWF

4 Harold Mawyer,

5 Plaintiff

6 v.

7 Nancy Berryhill, Commissioner of Social
8 Security,

9 Defendant

**Order Adopting
Report & Recommendation**

[ECF Nos. 16, 18, 21]

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11 Harold Mawyer brings this action seeking judicial review of the Commissioner of Social
12 Security's denial of his disability-benefits claim under Title II of the Social Security Act.
13 Mawyer moves for summary judgment in his favor,¹ and the Commissioner opposes that motion
14 and crossmoves to affirm her denial.² Magistrate Judge George Foley, Jr. has reviewed both
15 motions and recommends that I grant Mawyer's motion, deny the Commissioner's crossmotion,
16 and remand this case to the Commissioner to determine from the vocational expert whether
17 Mawyer is able to perform other unskilled work in light of his residual functional capacity as
18 determined by the Administrative Law Judge in his June 15, 2015, decision.³

19 The deadline for any party to object to that recommendation was March 14, 2019, and no
20 party filed objections or sought an extension of the deadline to do so. "[N]o review is required
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25 ¹ ECF No. 16.

26 ² ECF No. 18.

27 ³ ECF No. 21.
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1 of a magistrate judge's report and recommendation unless objections are filed."⁴ Having
2 reviewed the R&R, I find good cause to adopt it, and I do.

3 Accordingly, IT IS HEREBY ORDERED that

- 4 • the Magistrate Judge's Report and Recommendation [ECF No. 21] is
5 **ADOPTED** in its entirety;
- 6 • Plaintiff's Motion for Summary Judgment [ECF No. 16] is **GRANTED**;
- 7 • The Commissioner's Crossmotion to Affirm [ECF No. 18] is **DENIED**; and
- 8 • **This case is REMANDED to the Commissioner** to determine from the
9 vocational expert whether Mawyer is able to perform other unskilled work in
10 light of his residual functional capacity as determined by the Administrative Law
11 Judge in his June 15, 2015, decision.

12 IT IS FURTHER ORDERED that the Clerk of Court is directed to ENTER JUDGMENT
13 ACCORDINGLY and **CLOSE THIS CASE**.

14 Dated: March 17, 2019

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16 U.S. District Judge Jennifer A. Dorsey
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27 ⁴ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).